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ORIGINAL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

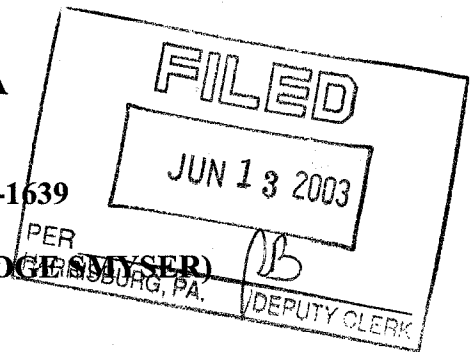
JOHN D. PERKEY and
THERESA M. PERKEY,
Petitioners/Plaintiffs

v.

RELIABLE CARRIERS, INC.
DANIEL JOSEPH BEMBEN,
AND KENT,
Respondents/Defendants

:
: CIVIL NO. 1:00-CV-1639

:
: (MAGISTRATE JUDGE SMYSE)
: CARLISLE, PA.



PRETRIAL MEMORANDUM
OF JOHN D. PERKEY AND THERESA M. PERKEY, PLAINTIFFS

A. Conference by Counsel:

Counsel held a conference on Friday, June 6, 2003, at 10:00 a.m. in Carlisle, Pennsylvania, and reviewed issues involving the procedure we plan to follow in order to resolve this case. We also reviewed issues regarding the evidence which is planned to be submitted at trial.

Counsel would like to engage in non-binding mediation followed by binding arbitration and would like to review this with the Court as an alternative to the jury trial set for July 2003.

B. Jurisdiction:

Jurisdiction in this Court is proper under 28 U.S.C. Section 1332(a) and venue is proper under 28 U.S.C. Section 1391(c).

C. Statement of Facts:

This case is based on an accident which occurred on September 15, 1998, on the Pennsylvania Turnpike west of Pittsburgh, Pennsylvania. The Plaintiff, John D. Perkey, sustained numerous injuries as a result of running over two wheels from a trailer driven by Defendant, Daniel Joseph Bemben, who was operating a tractor and trailer for Defendant, Reliable Carriers, Inc. The rear wheels came away from the rear axle of the trailer as a result of improper maintenance by Defendants. The lubricant for the bearings became low and was not replaced. The bearings overheated causing the rear wheels to become dislodged.

The parties intend to take this case to non-binding mediation followed by binding arbitration.

D. Damages:

The Plaintiff seeks compensation for lost wages, medical expenses, future medical expenses, and future wage loss. In addition, the Plaintiff, John D. Perkey, seeks recovery of pain and suffering for the past, present and future. The Plaintiff also seeks damages for his inability to return to over the road truck driving. At age fifty-four, with his injuries and a high school education, he has limited ability to engage in any work. He is receiving social security disability benefits.

The Plaintiff, Theresa M. Perkey, seeks damages for the loss of society she has experienced due to her husband's injuries to his neck, back, shoulders, and right knee.

E. Estimate of Damages:

The Plaintiffs have offered to resolve all their claims after setoff for the amounts they have received from workers compensation and the Prudential settlement in the amount of Seven Hundred Fifty Thousand and no/100 (\$750,000.00) Dollars.

F. Witnesses:

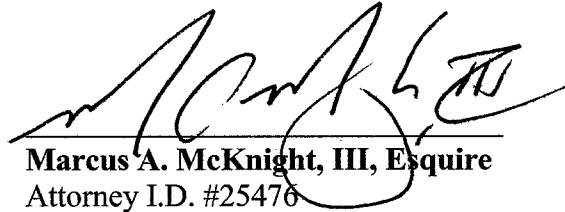
1. John S. Rychak, M.D.
Orthopaedic Surgeons of Central Pennsylvania, Ltd.
99 November Drive, Camp Hill, PA
2. Roger H. Ostdahl, M.D.
920 Century Drive, Mechanicsburg, PA
3. Rodney K. Hough, M.D., family physician
49 Brookwood Avenue, Carlisle, PA
4. John D. and Theresa M. Perkey
328 Pine Grove Road, Gardners, PA
5. Perry A. Eagle, M.D.,
191 Leader Heights Road, York, PA
6. David W. Kassekurt P.E., Professional Engineer
287 Church Hill Road, Venetia, PA
7. Harry Leister, Actuary, Conrad Seigel, Inc.
510 Corporate Circle, Harrisburg, PA
8. Other witnesses as needed to supplement the above or in rebuttal.

G. Estimated number of trial days:

The estimated number of days that will be necessary for the trial will be approximately three days.

Respectfully submitted,

IRWIN, McKNIGHT & HUGHES

A handwritten signature in black ink, appearing to read 'M. McKnight, III', is written over a horizontal line.

Marcus A. McKnight, III, Esquire

Attorney I.D. #25476

60 West Pomfret Street

Carlisle, PA 17013

(717) 249-2353

Attorney for Petitioner

John D. Perkey

Date: June 13, 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JOHN D. PERKEY and
THERESA M. PERKEY**
Plaintiffs

vs.

**RELIABLE CARRIERS, INC.,
DANIEL JOSEPH BEMBEN,
and KENT,**
Defendants

Civil Action
Number 1: CV - 00 - 1639

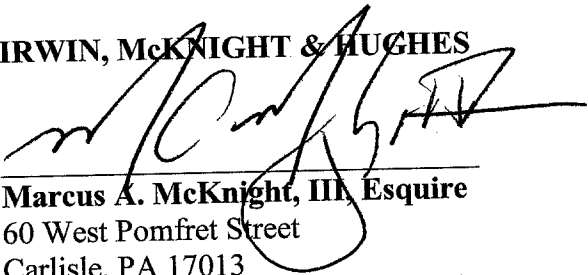
Magistrate Judge Smyser

CERTIFICATE OF SERVICE

I, Marcus A. McKnight, III, Esquire, hereby certify that a copy of attached Pre-Trial Memorandum of John D. Perkey and Theresa M. Perkey, Plaintiffs was served upon the following by depositing a true and correct copy of the same in the United States mail, First Class, postage prepaid in Carlisle, Pennsylvania, on the date referenced below and addressed as follows:

E. Ralph Godfrey, Esquire
Godfrey & Courtney, P.C.
P.O. Box 6280
Harrisburg, PA 17112

IRWIN, McKNIGHT & HUGHES

By: 
Marcus A. McKnight, III, Esquire
60 West Pomfret Street
Carlisle, PA 17013
(717) 249-2353
Supreme Court I.D. No. 25476

Date: June 13, 2003